

Alan J. Kessel (Cal. Bar No.: 130707)
Suzanne M. Burke (Cal. Bar No.: 188597)
Brandon Q. Tran (Cal. Bar No.: 223435)
BUCHALTER NEMER
A Professional Corporation
18400 Von Karman Avenue, Suite 800
Irvine, California 92612-0514
Telephone: (949) 760-1121
Facsimile: (949) 720-0182
E-mail: btran@buchalter.com

E-FILED 10/13/05

Attorneys for Plaintiff DIRECTV, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

DIRECTV, INC., a California corporation,

Plaintiff,

vs.

MARK COLMER,

Defendant.

Case No.: CV-04-3609 RS

Hon. Richard Seeborg

**REQUEST FOR VOLUNTARY DISMISSAL
OF DEFENDANT MARK COLMER;
~~PROPOSED~~ ORDER THEREON**

Pursuant to Fed. R. Civ. P. 41(a)(2), Plaintiff DIRECTV, Inc. ("DIRECTV")
hereby respectfully requests that the Court enter an Order dismissing the above-captioned action
with prejudice as to Defendant MARK COLMER ("Defendant"). This request is made on the
grounds that Defendant and DIRECTV have entered into an agreement settling this matter.
Pursuant to the terms of that agreement, DIRECTV agreed to voluntarily dismiss this action
against Defendant, each party to bear its/his own attorneys' fees and costs incurred in this action
to date.

///

///

///

///

///

Defendant answered the Complaint on or about February 17, 2005. DIRECTV, therefore, cannot unilaterally voluntarily dismiss this action against Defendant absent a Court order. Fed. R. Civ. P. 41(a). Accordingly, DIRECTV respectfully requests the entry of such an order dismissing Defendant with prejudice.

DATED: October 10, 2005

Respectfully Submitted,

BUCHALTER NEMER
A Professional Corporation

By: _____/s/
Brandon Q. Tran
Attorneys for Plaintiff DIRECTV, Inc.

ORDER

Having read the foregoing Request for Voluntary Dismissal of Defendant Mark Colmer filed by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the Court, and GOOD CAUSE appearing therefore, the Court ORDERS as follows:

1. This action is hereby dismissed with prejudice as against Defendant Mark Colmer;
2. Each party shall bear its/his own attorneys' fees and costs incurred in this action to date; and
3. As Defendant Mark Colmer is the last remaining active Defendant in this action, this entire action as to all remaining claims is hereby terminated in full.

DATED: 10/13/05

/s/ Richard Seeborg

Honorable Richard Seeborg
United States District Court
Northern District of California

This document was created with Win2PDF available at <http://www.daneprairie.com>.
The unregistered version of Win2PDF is for evaluation or non-commercial use only.